THE MODERN LAW REVIEW

General Editor

LORD CHORLEY, M.A.

VOLUME 15

LONDON

STEVENS & SONS LIMITED

1952

Published for the Proprietors
The Modern Law Review Limited
by Stevens & Sons Limited
of 119 & 120 Chancery Lane
London — Law Publishers
and printed in Great Britain
by The Eastern Press Limited
London and Reading

EDITORIAL BOARD

Sir A. M. Carr-Saunders, M.A., LL.D., Litt.D., F.B.A.
Professor A. G. Davis, LL.D.
E. G. M. Fletcher, LL.D., M.P.
John G. Foster, Q.C., M.A., M.P.
Professor W. Friedmann, LL.D., Dr.Jur.
Professor Lon L. Fuller, A.B., J.D.
Professor Morris Ginsberg, M.A., D.Litt.
Professor A. L. Goodhart, K.B.E., Q.C., D.C.L., LL.D.
Professor H. C. Gutteridge, Q.C., LL.D.
Professor H. R. Hahlo, LL.B., Dr.Jur.
Sir W. I. Jennings, Q.C., M.A., Litt.D., LL.D.
Professor Geoffrey Sawer, LL.M.

EDITORIAL COMMITTEE

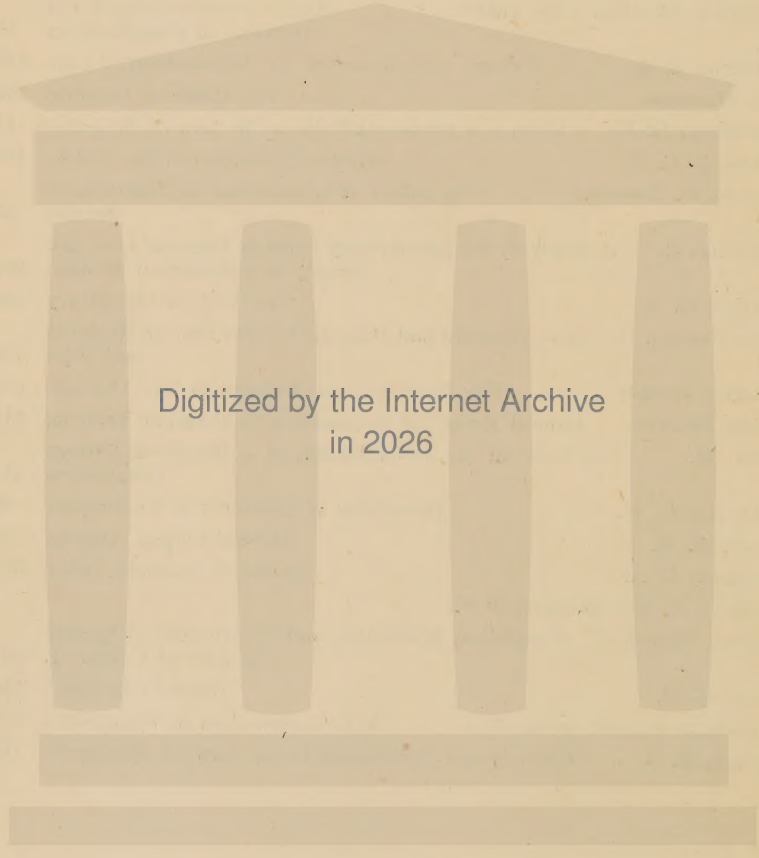
Lord Chorley, M.A., *General Editor.*
S. A. de Smith, M.A.
Professor L. C. B. Gower, M.B.E., LL.M.
Professor O. Kahn-Freund, LL.M., Dr.Jur.
Professor G. W. Keeton, M.A., LL.D.
J. Unger, LL.M.
Professor Glanville L. Williams, Ph.D., LL.D.

CONTRIBUTORS OF ARTICLES

Bartholomew, G. W.	Polygamous Marriages	35
Birkett, Rt. Hon. Lord Justice.	Law and Social Change in Contemporary Britain	277
Cowen, D. V.	Legislature and Judiciary: Reflections on the Constitutional Issues in South Africa: Part I	282
Denning, Rt. Hon. Lord Justice.	Recent Developments in the Doctrine of Consideration	1
de Smith, S. A.	Wrongs and Remedies in Administrative Law	189
Fry, Margery.	The Habitual Prisoner	155
Gooderson, R. N.	When is a Document False in the Law of Forgery?	11
Gower, L. C. B.	Investor Protection in the U.S.A.	446
Graham, G. Boughen.	The Effect of Liquidation on Contracts of Service	48
Grunfeld, C.	A Study in the Relationship between Common Law and Equity in Contractual Mistake	297
Hughes, G. J.	The Tort of Conspiracy	209
Kahn-Freund, O.	Inconsistencies and Injustices in the Law of Husband and Wife	133
Kiralfy, Albert.	The Juvenile Law-Breaker in the U.S.S.R.	472
Lloyd, Dennis.	Judicial Review of Expulsion by a Domestic Tribunal	413
Mann, M.	A Note on the Revivification of a Dissolved Foreign Corporation	479
Melville, L. W.	Disclaimer of Contracts in Bankruptcy	28
Qasem, A. M.	Habeas Corpus Appeals	55
Sheridan, L. A.	Equitable Estoppel Today	325
Slade, C. J. *See* Wilson, J. F.		
Stoljar, Samuel J.	Conditions, Warranties and Descriptions of Quality in Sale of Goods.—I.	425
Stone, O. M.	What is Income?	180
Wilson, J. F., and Slade, C. J.	A Re-examination of Remoteness	458
Wilson, R. G.	Chattels and Certificates in the Law of Negligence	160

STATUTES

Courts-Martial (Appeals) Act, 1951 (J. A. G. Griffith)	65
Income Tax Act, 1952 (L. C. B. G.)	343



Digitized by the Internet Archive
in 2026

https://archive.org/details/modern-law-review_1952_15_index

TABLE OF CASES NOTED

Anglo-Iranian Oil Co. Case (L. C. Green) 102
Anglo-Norwegian Fisheries Case (L. C. Green) 373
Armstrong *v.* Strain (L. C. B. Gower) 232
Armstrong *v.* Strain (J. Unger) 508
B. & B. Viennese Fashions *v.* Losane (J. L. Montrose) 491
Bank voor Handel en Scheepvaart *v.* Slatford (J. A. G. Griffith) 355
Benn *v.* Kamm (C. Grunfeld) 239
Best *v.* Samuel Fox, Ltd. (Eric C. E. Todd) 246
British Movietonews, Ltd. *v.* London and District Cinemas, Ltd. (C. Grunfeld) 85
Conway *v.* George Wimpey, Ltd. (G. H. Treitel) 84
Cork *v.* Kirby Maclean, Ltd. (Glanville Williams) 502
Cummings *v.* London Bullion Co. (F. A. Mann) 369
Drinkwater *v.* Kimber (Raymond Kidwell) 360
Dundee General Hospital *v.* Walker (J. D. B. Mitchell) 500
Errington *v.* Errington (C. d'O. Farran) 236
Fromhold *v.* Fromhold (Fenton Bresler) 494
Harris *v.* D.P.P. (G. Godfrey Phillips) 484
Howell *v.* Falmouth Boat Construction, Ltd. (Glanville Williams) 69
Jerome *v.* Bentley & Co. (C. F. Parker) 503
John Lewis & Co. *v.* Tims (Glanville Williams) 497
Kahan *v.* Federation of Pakistan (F. A. Mann) 220
Kat *v.* Diment (Glanville Williams) 77
Kohnke *v.* Karger (O. M. Stone) 95
London Graving Dock, Ltd. *v.* Horton (J. E. Hall Williams) 243
McRae *v.* Commonwealth Disposals Commission, 25 A.L.J. 425 (J. G. Fleming) 229
Magor and St. Mellons R. D. C. *v.* Newport Corporation (J. D. B. Mitchell) 219
Maher *v.* Maher (Joseph Jackson) 92
Matter of Mangold's Patent (F. A. Mann) 100
Morriss *v.* Marsden (Eric C. E. Todd) 486
National Coal Board *v.* J. E. Evans & Co. (Cardiff) Ltd. (J. E. Hall Williams) 79
Price *v.* Price [1951] N.Z.L.R. 1097 (J. F. Northey) 371
Pugh *v.* Pugh (J. Unger) 88
Pugh *v.* Pugh (O. M. Stone) 90
R. *v.* Armstrong (Glanville Williams) 98
R. *v.* Cohen (J. Ll. J. Edwards) 226
R. *v.* Hall (G. Godfrey Phillips) 484
R. *v.* Horry [1952] N.Z.L.R. 111 (J. F. Northey) 348
R. *v.* Lumsden (Glanville Williams) 78
R. *v.* Manchester Legal Aid Committee, *Ex p.* Brand (R. A.) & Co. (S. A. de Smith) 351
R. *v.* Moran (J. Ll. J. Edwards) 345
R. *v.* Northumberland Compensation Appeal Tribunal, *Ex p.* Shaw (S. A. de Smith) 217
R. *v.* Torquay Licensing JJ., *Ex p.* Brockman (S. A. de Smith) 73
R. *v.* Torquay Licensing JJ., *Ex p.* Brockman (R. F. V. Heuston) 353
R. *v.* Weisz, *Ex p.* Hector MacDonald, Ltd. (J. D. B. Mitchell) 74, 236
R. *v.* Whybrow (J. Ll. J. Edwards) 345
Re Freeland (R. E. Megarry) 367

Re Wynn's Will Trusts (J. D. B. Mitchell) 497
Reynolds *v.* G. H. Austin & Sons, Ltd. (J. Ll. J. Edwards) 224
Roper *v.* Taylor's Central Garages (Exeter) Ltd. (J. Ll. J. Edwards) 223
Sageb's Claim (P. Meinhardt) 99
Slatcher *v.* George Mence Smith, Ltd. (Glanville Williams) 78
Usher *v.* Barlow (P. Meinhardt) 358
Walters *v.* Lunt (Glanville Williams) 222
Watts *v.* Enfield Rolling Mills (Aluminium) Ltd. (Glanville Williams) 500
Whitehill *v.* Bradford (G. H. Treitel) 364

BOOK REVIEWS

Survey of Recent Periodical Literature (W. A. Steiner) 214

Alfonsin, Quintin.—Regimen Internacional de los Contratos 124
Allen, Sir Carleton Kemp.—Law in the Making (5th ed.) 386
Bader, Karl S.—Soziologie der deutschen Nachkriegs-kriminalität 271
Batt, F. R.—Law of Master and Servant (4th ed.) 116
Beattie, C. N.—Elements of Income Tax Law 410
Benjamin on Sale (8th ed.) 395
Brand, G. (ed.).—The Velpke Baby Home Trial 270
Brown, Alec.—The Juryman's Handbook 541
Brown, Harold J.—Planning Appeals 539
Brusiin, Otto.—Ueber die Objektivität der Rechtsprechung 129
Burton, J. H.—Local Rates 112
Chartered Institute of Patent Agents.—Patents Act, 1949 115
Chester, D. N.—The Nationalised Industries (2nd ed.) 411
Chorley, Lord, and Giles, O. C.—Shipping Law (2nd ed.) 273
Citrine, Norman Arthur.—Trade Union Law 253
Clarke Hall and Morrison's Law relating to Children and Young Persons (4th ed.) 540
Coddington, F. J. O.—Advice on Advocacy in the Magistrates' Court 537
Cooper, Rt. Hon. Lord.—Supra Crepidam 391
Cooper, Frank E.—Administrative Agencies and the Courts 404
Cowper, Francis.—A Prospect of Gray's Inn 392
Current Law Income Tax Acts Service 541
Dangerfield, Esther.—Rent Restrictions 411
Davis, K. C.—Cases on Administrative Law 528
Diamond, A. S.—The Evolution of Law and Order 390
Eddy, J. P.—The Justices' Handbook (2nd ed.) 400
Ehrenzweig, A. A., and Koch, F. E.—Income Tax Treaties 127
Eichler, Hermann.—Die Rechtslehre vom Vertrauen 409
Farnsworth, A.—Addington, Author of the Modern Income Tax 105
Friedmann, W.—Principles of Australian Administrative Law 113
Fyzee, Asaf A. A.—Outlines of Muhammadan Law 129
Gale on Easements (12th ed.) 264
Gellhorn, Walter.—Security, Loyalty and Science 400
Godwin, George (ed.).—Trial of Peter Griffiths 130
Gutzwiller, Max, and Niederer, Werner.—Beiträge zum Haager Internationalprivatrecht, 1951 403
Hannan, J. P., and Farnsworth, A.—Principles of Income Taxation 524
Harrison, David.—Practical Epitome of the Death Duties (2nd ed.) 119
Hendel, Samuel.—Charles Evans Hughes and the Supreme Court 532
Hene, Derek H.—A Simple Explanation of the Legal Aid Scheme 274
Hereward, P. O.—Handbook on Trade Mark Laws throughout the World 409
Hinde, R. S. E.—The British Penal System, 1773–1950. 399
H. M. S. O.—Abstract of Legal Preliminaries to Marriage 404
Hood Phillips, O.—Constitutional Law of Great Britain and the Commonwealth; Leading Cases in Constitutional Law 527
International Military Tribunal.—Trial of German Major War Criminals (Pt. 22) 272
Iyer, S. Ramaswamy.—Law of Torts (4th ed.) 110
Jackson and Gosset on Investigation of Title (6th ed.) 268
James, Philip S.—Introduction to English Law 107

Jennings, Sir Ivor.—The Commonwealth in Asia 255
Kelsen, Hans.—Recent Trends in the Law of the United Nations 531
Kenny's Outlines of Criminal Law (ed. J. W. Cecil Turner) 512
Kiralfy, A. K.—The Action on the Case 520
Laskin, Bora.—Canadian Constitutional Law 525
Lauterpacht, H.—International Law and Human Rights 106
Lawson, F. H.—Negligence in the Civil Law 255
Lewin on Trusts (15th ed.) 118
Marsh, D. R.—Corporate Trustees 521
Megarry, R. E.—The Rent Acts (6th ed.) 267
Morris, J. H. C.—Cases on Private International Law (2nd ed.) 401
Munkman, John H.—The Technique of Advocacy 537
Nathan's Equity through the Cases (2nd ed.) 398
Nussbaum, Arthur.—Money in the Law, National and International 123
Oakes, Sir Cecil, and Dacey, W. L.—Outline of Local Government and Local Finance 112
Palmer's Company Precedents, Pt. I 266
Palmer's Company Precedents, Pt. II 540
Paton, G. W.—Textbook of Jurisprudence (2nd ed.) 517
Pinto, Roger.—La Crise de l'Etat aux Etats-Unis 401
Plunkett, Miss H. G. S.—Income Tax Act, 1952 541
Potter, Harold.—The Quest of Justice 252
Rosenne, Shabtai.—Israel's Armistice Agreements with the Arab States 405
Russell on Arbitration (15th ed.) 541
Russell on Crime (10th ed.) 260
Russell-Clarke, A. D.—Copyright and Industrial Designs 114
Sachs, Eric.—Legal Aid 274
Samuels, H.—Factory Law (4th ed.) 120
Schmitthoff, Clive M.—The Sale of Goods 394
Schwarzenberger, G.—Manual of International Law (2nd ed.) 126
Schwarzenberger, G.—Power Politics (2nd ed.) 529
Schweizerisches Jahrbuch für internationales Recht 275
Shaw, Sebag, and Townsend, Denis.—Law of Meetings (2nd ed.) 276
Sleeman, C., and Silkin, S. C. (eds.).—The "Double Tenth" Trial 270
Smith, Joseph Henry.—Appeals to the Privy Council from the American Plantations 382
Sorokin, Pitrim A.—Russia and the United States 407
Stevenson, John, and Hague, Lawrence.—Handbook of Child Law (4th ed.) 540
Terrell and Shelley on the Law of Patents (9th ed.) 538
Terrou, Fernand, and Solal, Lucien.—Legislation for Press, Film and Radio 533
U. N. O.—Probation and Related Measures 535
U. N. O.—The Impact of the Universal Declaration of Human Rights 543
U. N. O.—The Suppression of Slavery 543
Vegting, W. G.—Domaine Public et Res extra Commercium 127
Viner, Jacob.—The Customs Union Issue 126
Westermann, Harry.—Lehrbuch des Sachenrechts 275
Wheare, K. C.—Modern Constitutions 254
Williams, Charlotte.—Hugo Black: A Study in the Judicial Process 128
Williams, Glanville L.—Joint Torts and Contributory Negligence 258
Williams, Glanville L. (ed.).—The Reform of the Law 378
Wilshere, A. M., and Chedlow, Barry.—Principles of the Common Law (6th ed.) 263
Wolff, Martin.—Private International Law (2nd ed.) 120
Yearbook on Human Rights for 1949 269